

Senate File 49 - Introduced

SENATE FILE 49
BY CHAPMAN

A BILL FOR

1 An Act requiring county and city property assessors to stand
2 for retention at election and including applicability
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **39.19 Retention of county assessor**
2 **at election.**

3 At each general election for the election of county officers
4 listed in section 39.17, subsection 2, the county assessor
5 shall stand for retention as provided in section 441.9A.

6 Sec. 2. Section 441.5, subsections 5, 6, and 8, Code 2019,
7 are amended to read as follows:

8 5. The director of revenue shall grade the examination
9 taken. The director shall notify each applicant of the score
10 attained by the applicant on the examination. An individual
11 who attains a score of seventy percent or greater on the
12 examination is eligible to be certified by the director of
13 revenue as a candidate for any assessor position. Any person
14 who passes the examination and who possesses at least two
15 years of appraisal related experience as determined by the
16 director of revenue shall be granted regular certification and
17 become eligible for appointment to a ~~six-year~~ four-year term as
18 assessor. Any person who passes the examination but who lacks
19 such experience shall be granted temporary certification, and
20 shall be eligible for a provisional appointment as assessor.

21 6. Any person possessing temporary certification who
22 receives a provisional appointment as assessor shall, during
23 the person's first eighteen months in office, be required to
24 complete a course of study prescribed and administered by
25 the director of revenue. Upon the successful completion of
26 this course of study, the assessor shall be granted regular
27 certification and shall be eligible to remain in office for
28 the balance of the assessor's ~~six-year~~ four-year term. All
29 expenses incurred in obtaining regular certification shall be
30 defrayed by the assessment expense fund.

31 8. Incumbent assessors who have served ~~six~~ four consecutive
32 years shall be placed on the register of individuals eligible
33 for appointment as assessor. In order to be appointed to
34 the position of assessor, the assessor shall comply with the
35 continuing education requirements. The number of credits

1 required for certification as eligible for appointment as
 2 assessor in a jurisdiction other than where the assessor
 3 is currently serving shall be prorated according to the
 4 percentage of the assessor's term which is covered by the
 5 continuing education requirements of [section 441.8](#). The
 6 credit necessary for certification for appointment is the
 7 product of one hundred fifty multiplied by the quotient of the
 8 number of months served of an assessor's term covered by the
 9 continuing education requirements of [section 441.8](#) divided by
 10 ~~seventy-two~~ forty-eight. If the number of credits necessary
 11 for certification for appointment as determined under this
 12 subsection results in a partial credit hour, the credit hour
 13 shall be rounded to the nearest whole number.

14 Sec. 3. Section 441.8, subsections 1, 4, 5, and 7, Code
 15 2019, are amended to read as follows:

16 1. The term of office of an assessor appointed under
 17 this chapter shall be for ~~six~~ four years. ~~Appointments for~~
 18 ~~each succeeding term shall be made in the same manner as~~
 19 ~~the original appointment except that not less than~~ At least
 20 ninety days before the expiration of the term of the retention
 21 election for the county or city assessor under section 441.9A
 22 or 441.9B, the conference board shall hold a meeting to
 23 ~~determine whether or not it desires to reappoint the board~~
 24 approves of having an incumbent assessor to a new term, in
 25 the last year of the assessor's term, stand for retention.
 26 The conference board shall have the power to ~~reappoint the~~
 27 approve of an incumbent assessor standing for retention only
 28 if the incumbent assessor has satisfactorily completed the
 29 continuing education program provided for in [this section](#). If
 30 the decision is made not to ~~reappoint~~ approve of the assessor
 31 standing for retention, the assessor shall be notified, in
 32 writing, of such decision not less than ninety days prior to
 33 the ~~expiration of the assessor's term of office~~ retention
 34 election. ~~Failure of~~ If the conference board ~~to~~ does not
 35 provide timely notification of the board's decision, ~~not to~~

1 ~~reappoint~~ the assessor shall ~~result in the assessor being~~
2 ~~reappointed~~ be eligible to stand for retention.

3 4. Upon receiving credit equal to one hundred fifty hours
4 of classroom instruction during the assessor's current term of
5 office of which at least ~~ninety~~ sixty of the one hundred fifty
6 hours are from courses requiring an examination upon conclusion
7 of the course, the director of revenue shall certify to the
8 assessor's conference board that the assessor is eligible to
9 be reappointed to the position. For persons appointed to
10 complete an unexpired term, the number of credits required to
11 be certified as eligible for reappointment shall be prorated
12 according to the amount of time remaining in the present term
13 of the assessor. If the person was an assessor in another
14 jurisdiction, the assessor may carry forward any credit hours
15 received in the previous position in excess of the number that
16 would be necessary to be considered current in that position.
17 Upon written request by the person seeking a waiver of the
18 continuing education requirements, the director may waive the
19 continuing education requirements if the director determines
20 good cause exists for the waiver.

21 5. Within each ~~six-year~~ four-year period following the
22 appointment of a deputy assessor, the deputy assessor shall
23 comply with [this section](#) except that upon the successful
24 completion of ~~ninety~~ sixty hours of classroom instruction
25 of which at least ~~sixty~~ forty of the ~~ninety~~ sixty hours are
26 from courses requiring an examination upon conclusion of the
27 course, the deputy assessor shall be certified by the director
28 of revenue as being eligible to remain in the position. If a
29 deputy assessor fails to comply with [this section](#), the deputy
30 assessor shall be removed from the position until successful
31 completion of the required hours of credit. If a deputy is
32 appointed to the office of assessor, the hours of credit
33 obtained as deputy pursuant to [this section](#) shall be credited
34 to that individual as assessor and for the individual to be
35 reappointed at the expiration of the term as assessor, that

1 individual must obtain the credits which are necessary to total
2 the number of hours for reappointment. Upon written request
3 by the person seeking a waiver of the continuing education
4 requirements, the director may waive the continuing education
5 requirements if the director determines good cause exists for
6 the waiver.

7 7. a. If the incumbent assessor is not reappointed as
8 provided in [this section](#), then not less than sixty days before
9 the expiration of the term of said assessor, a new assessor
10 shall be selected as provided in [section 441.6](#).

11 b. If an assessor is not retained at an election, as
12 provided for in section 441.9A or 441.9B, then the conference
13 board of that county or city shall not reappoint that person to
14 the position of assessor for the subsequent term of office and
15 shall select a new assessor as provided in section 441.6.

16 Sec. 4. NEW SECTION. 441.9A Retention of county assessor.

17 1. At least sixty-nine days before the general election
18 described in section 39.19, a county assessor receiving
19 approval pursuant to section 441.8, subsection 1, may file
20 a declaration of candidacy with the appropriate county
21 commissioner of elections to stand for retention at that
22 election. If a county assessor fails to file the declaration,
23 a vacancy shall exist in the office at the end of the term.

24 2. The name of a county assessor to be voted on shall be
25 placed upon one ballot after all other county offices, and
26 shall be in substantially the following form:

27 COUNTY ASSESSOR

28 VOTE BY MARKING THE APPROPRIATE VOTING TARGET.

29 Shall the following county assessor be retained in office?

30 CANDIDATE'S NAME YES ☐ NO ☐

31 3. A county assessor must receive more affirmative than
32 negative votes to be retained in office. If the county
33 assessor is not retained in office, a vacancy shall exist in
34 the office at the end of the term.

35 4. Terms of office for a county assessor shall begin and

1 end at noon on the first day in January which is not a Sunday
2 or legal holiday, following the general election described in
3 section 39.19.

4 Sec. 5. NEW SECTION. **441.9B Retention of city assessor.**

5 1. At least sixty-nine days before the regular city election
6 held pursuant to section 376.1 in the year 2021 and every four
7 years thereafter, a city assessor receiving approval pursuant
8 to section 441.8, subsection 1, may file a declaration of
9 candidacy as provided for other city candidates under section
10 376.4 to stand for retention at that election. If a city
11 assessor fails to file the declaration, a vacancy shall exist
12 in the office at the end of the term.

13 2. The name of a city assessor to be voted on shall be
14 placed upon one ballot after all other city offices, and shall
15 be in substantially the following form:

16 CITY ASSESSOR

17 VOTE BY MARKING THE APPROPRIATE VOTING TARGET.

18 Shall the following city assessor be retained in office?

19 CANDIDATE'S NAME YES ☐ NO ☐

20 3. A city assessor must receive more affirmative than
21 negative votes to be retained in office. If the city assessor
22 is not retained in office, a vacancy shall exist in the office
23 at the end of the term.

24 Sec. 6. Section 441.10, subsection 4, Code 2019, is amended
25 to read as follows:

26 4. Incumbent deputy assessors who have served ~~six~~
27 four consecutive years shall be placed on the register of
28 individuals eligible for appointment as deputy assessor. In
29 order to be appointed to the position of deputy assessor,
30 the deputy assessor shall comply with the continuing
31 education requirements. The number of credits required
32 for certification as eligible for appointment as a deputy
33 assessor in a jurisdiction other than where the deputy assessor
34 is currently serving shall be prorated according to the
35 percentage of the deputy assessor's term which is covered by

1 the continuing education requirements of [section 441.8](#). The
 2 credit necessary for certification for appointment is the
 3 product of ninety multiplied by the quotient of the number
 4 of months served of a deputy assessor's term covered by the
 5 continuing education requirements of [section 441.8](#) divided by
 6 ~~seventy-two~~ forty-eight. If the number of credits necessary
 7 for certification for appointment as determined under this
 8 subsection results in a partial credit hour, the credit hour
 9 shall be rounded to the nearest whole number.

10 Sec. 7. Section 441.11, Code 2019, is amended to read as
 11 follows:

12 **441.11 Incumbent deputy assessors.**

13 A deputy assessor shall be considered eligible to remain in
 14 the deputy's present position provided continuing education
 15 requirements are met. To become eligible for another deputy
 16 assessor position, a deputy assessor presently holding office
 17 is required to obtain certification as provided for in sections
 18 441.5 and [441.10](#). The number of credit hours required for
 19 certification as eligible for appointment as a deputy in a
 20 jurisdiction other than where the deputy is currently serving
 21 shall be prorated according to the completed portion of the
 22 deputy's ~~six-year~~ four-year continuing education period.

23 Sec. 8. APPLICABILITY. This Act applies to the office of
 24 county assessor beginning with the general election in November
 25 2020 and to the office of city assessor beginning with the
 26 regular city election in November 2021.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
 29 the explanation's substance by the members of the general assembly.

30 This bill requires that county and city property assessors
 31 stand for retention at the general election or regular city
 32 election every four years.

33 Under the bill, county assessors may stand for retention at
 34 the 2020 general election and every four years thereafter, and
 35 city assessors may stand for retention at the 2021 regular city

1 election and every four years thereafter.

2 Under current law, an assessor serves a term of six years
3 and is required to complete certain continuing education
4 requirements during the term of office. Under the bill,
5 the terms of assessors are reduced to four years, and the
6 continuing education requirements are reduced proportionally.

7 Under current law, a county or city conference board
8 provides for the appointment and reappointment of county and
9 city assessors, respectively. Under the bill, an assessor
10 is only permitted to stand for retention at an election upon
11 receiving the approval of the conference board.

12 The bill makes corresponding changes related to the terms of
13 office for deputy assessors.

14 The bill applies to the office of county assessor beginning
15 with the general election in November 2020 and to the office
16 of city assessor beginning with the regular city election in
17 November 2021.